

INSIGHTS

Snacks With Steve Melendi From Tollefson Bradley Mitchell & Melendi

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By: [Vincent E. Morgan](#)

On this episode of Bracewell Covered, host [Vince Morgan](#) visits with guest Steve Melendi from Tollefson Bradley Mitchell & Melendi who is in town for a hearing.

How did you get into insurance, and how has your career evolved?

The same way I ended up at law school, I kind of fell into insurance. I ended up in law school because after college I got a real job for a couple of months and getting up in the morning was just more than my 23-year-old mind could handle. So, I went back to school.

I then got a clerkship at a now defunct law firm after my second year of law school where one of the partners did some insurance coverage work. At the time, I believed he thought I had a keen intellect and was interested in working with me. I learned later that his crazy and my crazy somehow meshed. I think a lot of people fall into insurance. I don't think there's many people that come out of college or law school thinking "I want to be an insurance lawyer, or I want to handle insurance claims." I know you like to claim that you came out of law school wanting to be an insurance lawyer. However, I think you came out of law school wanting to work where people at the firm happened to do insurance.

What has been your experience in working where you see things break down among lawyers? Where do you see things go wrong with some lawyers?

Lawyers who refuse to actually talk to the other lawyers are problematic. There's a type of lawyer who represents claimants, policy holders, carriers — it runs the gamut — and they refuse to meaningfully talk to the other lawyer. They won't answer your phone call, and if you leave them a message, you'll get an email back or they'll call at 6:00 hoping you don't answer. It's because they don't want you to ask them any questions, and sometimes it's because they don't know much about the case.

One of the questions I get asked a lot about policy holder lawyers is sometimes some policy holder lawyers file or put things in pleadings or say things in depositions that seem odd. Sometimes they do it because they are odd. Sometimes they do it because they're very, very smart, and they're trying to confuse you. And sometimes they do it because they just don't know much about their case. It's the ones that don't know much about their case are oftentimes the ones that don't want to talk to you. They don't want to take a position because they haven't really done an investigation into what's going on.

What advice would you give to your younger self at this point?

The advice to my younger self would be to do what I did, which is to try to talk to the other lawyers and not just sit in your office but listen to what the other lawyers were talking about. That's also how you can get involved in some really interesting cases as an associate. If there's a couple of lawyers that are more senior than you and they start talking about different issues, you can end up getting a research assignment to work on something pretty interesting.

I also think going to events is a really important thing. We encourage our associates to get involved, to give speeches, to write papers, to volunteer to do stuff. That's how you get outside of your comfort zone, which can be hard for some people, but I think that's what you have to do. If you want to excel at something, you have to not just learn it on your own or listen to the one or two people that are telling you what to do. You've got to broaden your worldview a little bit.

What is the craziest insurance claim you have seen in your career?

I was involved in a group of cases that involved not an insured, but somewhere between half a dozen and 20 killings of elderly individuals. Most of their deaths were originally ruled as natural causes, but the claim became that this one person was in fact a serial killer.

I got out of this claim because a big chunk of the deaths happened at one premise. It was not a nursing home case. My part of this was that my clients insured and sold the property to somebody else. When they sold that property, that policy was canceled. When you own a bunch of different properties as soon as you sell it, you take it off the schedule on your coverages. What was crazy about the situation was they had to go in and recreate what happened because every one of these deaths were declared as an elderly individual who didn't wake up.

For my client's insured, who was the premises owner, what was their real liability if there's no forced entry and somebody comes in and kills somebody? The deceased person had to have opened the door for them. What's the real liability? On the one hand, my client's thinking, how on earth is our insured liable for this? And the insured is saying, how on earth am I liable for this? But at the same time, what's a jury going to think? Are they going to blame somebody? And it's absolutely a covered claim on these policies. My role in this was half being the insurance company's lawyer and half dealing with the inherent issues of how many claimants we had, the worth of the claims, who should tender up to whom and so forth.

Have questions about insurance coverage? Contact [Vince Morgan](#).

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